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App. No.: 09/280,256

REMARKS

Status of the Claims

Claims 1-9 and 12-17 are pending.

Item 1 of the Office Action rejected claims 1, 3-9, 12-15, and, apparently, 16-17 under 35 U.S.C. §103(a) (hereinafter, "Section 103(a)") as being unpatentable over Cox et al. (US Patent No. 5,790,781) (hereinafter, "Cox") in view of Harmeyer (US Patent No. 4,491,694) (hereinafter, "Harmeyer") and further in view of Brown (U.S. Patent No. 5,822,406) (hereinafter, "Brown").

Item 2 of the Office Action rejected claim 2 under Section 103(a) as being unpatentable over Cox in view of Harmeyer and and further in view of Brown and further in view of Bowater (U.S. Patent No. 6,282,269) (hereinafter, Bowater).

Item 3 of the Office Action stated that Applicants' previous arguments have been considered but are not persuasive.

Items 4-5 of the Office Action stated the Finality of the Office Action and listed contact information for the Examiner.

Claim Rejections

Claims 1, 3-9, 12-15, and, apparently, 16-17 were rejected under Section 103(a) as being unpatentable over Cox in view of Harmeyer and further in view of Brown. Claim 2 was rejected under Section 103(a) as being unpatentable over Cox in view of Harmeyer and and further in view of Brown and further in view of Bowater.

The statement of the rejections of claims 1-9 and 12-15 are substantially unchanged from that found in an earlier office action that bore a mailing date of March 26, 2003.

The Office Action conceded that Cox "fails to teach specifically routing only one stereo channel to speakers 18 or only the other stereo channel to a headset [headphone]". Applicants respectfully agree. Furthermore, Applicants note that Brown's switch has nothing to do with any left or right channels.

The Office Action contended, however, that:

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... it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Cox reference with the teachings of Harmeyer and Brown ... because such a modification would have enabled the system to function as a standard telephone (headset with microphone) or a speakerphone (loudspeaker with microphone).

Applicants respectfully disagree. Applicants have previously pointed out that there is simply no teaching, disclosure, or even suggestion in Cox, Brown, or Harmeyer to obtain a system in which "a providing of an audio signal to only one of said left or right channel corresponds to a providing of an audio signal to only a corresponding one of said loudspeaker or said headset", as is required by claim 1. Indeed, the Office Action and all earlier office actions did not allege any such suggestion from the cited references.

Applicants have also previously pointed out that the references teach away from one another. For example, Brown teaches away from the "tinkerer's solution" of Harmeyer by teaching an opposite, complete and systematic interconnection system that is specifically designed to avoid the hodge-podge of connections that might otherwise confront a user. For another example, Harmeyer teaches away from Brown by teaching a system that would become non-functional if one of its stereo channels were to be switched off.

So, it is seen that the only suggestion to modify and combine the references in a very specific manner comes from the Office Action itself (or from Applicants' own patent Application). In the Office Action, the suggestion of a motivation to make the very specific modifications of the references is that the modification "would have enabled the system to function as a standard telephone (headset with microphone) or a speakerphone (loudspeaker with microphone)". However, Applicants respectfully submit that such a statement of a motivation is not logical. The reason is that the existing systems already would "enable[] a system to function as a standard telephone or a speakerphone". Such combination systems already exist, and so such a motivation is not sufficient to cause someone to obtain a system according to Applicants' claim 1.

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What Applicants' invention adds is the use of the two channels for such a purpose, and such a usage simply was not suggested or motivated by the cited art. On the contrary, the cited art, e.g., Brown and Harmeyer, actively teach away from Applicants' solution. It is only by carefully and very selectively "cutting and pasting" features from the cited references, in a manner that would frustrate the aims of the cited references, that a rejection can even be phrased. Accordingly, Applicants respectfully submit that the Office Action has used an impermissible degree of hindsight to use Applicants claim as a blueprint from which to cobble together a grab-bag of elements from unrelated cited references, in order to make its rejection.

In the Response to Arguments section of the Office Action, the Office Action stated that "for one of ordinary skill in the art, there are only certain ways to connect both the headphone 19 and the speakers 18 to the signal lines 56" and listed one statement of Applicants' "way" in a list of three ways (A), (B), and (C). The Office Action then concluded that Applicants' way was "the logical choice" among the three. Applicants respectfully submit that such reasoning "assumes the conclusion". Why should Applicants' way appear in the list (A), (B), (C) at all? There was simply no suggestion in any cited art or alleged knowledge that Applicants' way is one of the possible ways. If the Examiner knows of such a previously known way from personal knowledge, he is respectfully invited to submit a declaration according to the rules.

Accordingly, Applicants respectfully submit that claim 1 is allowable over the cited art. Applicants further respectfully submit that all remaining claims, including new claims 16-17, are allowable at least for similar reasons.

Further, claims 16-17, which were added in the most recent previous Amendment, require that "audio signal provided to either said left or right channel is from a same audio source". This feature is not found in Harmeyer. On the contrary, in Harmeyer, separate, dedicated audio sources provide signals to each of the left and right channels. (See, e.g., Harmeyer, FIG. 1.) The essential purpose of Harmeyer is to separately amplify the incoming and the outgoing signals of a telephone. Accordingly, each channel must have a separate input

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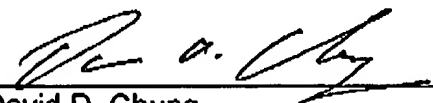
signal in Harmeyer. Thus, Harmeyer teaches away from the requirement from claims 16 and 17 that "audio signal provided to either said left or right channel is from a same audio source".

CONCLUSION

Accordingly, Applicants respectfully submit that Applicants' claims are allowable. Applicant respectfully requests that the application be passed to allowance. Should the Examiner have any questions, he is invited to contact Applicants' representative at the number shown below.

Respectfully submitted,

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